

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David R. Myrland,
Petitioner,
v.

Civil No. 12-cv-2909 (PJS/TNL)

United States and Scott P. Fisher, Warden,
ORDER
Respondents.

David R. Myrland, *pro se.*; and,

Pamela A. Marentette, Esq., Office of the United States Attorney, on behalf of
Respondents.

Based upon the Report and Recommendation by United States Magistrate Judge
Tony N. Leung dated July 29, 2013 (ECF No. 34), along with all the files and records,
and no objections to said Recommendation having been filed, **IT IS HEREBY**
ORDERED that:

1. The United States is dismissed as a respondent;
2. Myrland's Motion to Strike is denied [ECF No. 13];
3. Myrland's Motion for Partial Summary Judgment is denied [ECF No. 29];
4. The habeas petition is denied, and the case is dismissed with prejudice; and
5. The District Court adopts this Report and Recommendation, that judgment be
entered.

Date: 08/22/13

s/Patrick J. Schiltz

The Honorable Patrick J. Schiltz
United States District Court Judge
for the District of Minnesota